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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/563,555

05/19/2006

Yasuhiko Kasama

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EXAMINER

SNYDER, ZACHARY J

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/563,555	<b>Applicant(s)</b> KASAMA ET AL.	
	<b>Examiner</b> Zachary Snyder	<b>Art Unit</b> 2889	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 1 and 26-41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-6, 11 and 23-25 is/are rejected.
- 7) ☒ Claim(s) 7-10 and 12-22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/05/2006, 7/24/2006</u> .                                    | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION*****Drawings***

Figures 9-12 and 20-21 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2-5 and 23-25 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 2000-182770 to Masataka.

In regard to claim 2, Masataka discloses in drawing 1, a linear light-emitting element (organic EL device 21a) characterized in that a plurality of sections (shown in figure 1A) forming a light-emitting region (luminous layer 25) and a light-emitting control region

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(electrodes 23 and 27) for controlling light-emitting intensity of said light-emitting region are formed in the longitudinal direction continuously or intermittently (shown in figure 1A).

In regard to claim 3, Masataka discloses the limitations of claim 2 and that the sectional shape is circular (shown in figure 1a).

In regard to claim 4, Masataka discloses the limitations of claim 2 and that the light-emitting region is made of an organic EL film (luminous layer 25, abstract).

In regard to claim 5, Masataka discloses the limitations of claim 2 and that the light-emitting region is made of a multilayered film including an organic EL film (electron transport layer 24, luminous layer 25, hole transport layer 26, figure 1a).

In regard to claim 23, Masataka discloses the limitations of claim 2 and a light-emitting device made from this linear light-emitting element (light emitting apparatus, abstract).

In regard to claim 24, Masataka discloses the limitations of claim 23 and that the light-emitting device is a display device (abstract, light emitting apparatus is displaying light).

In regard to claim 25, Masataka discloses the limitations of claim 23 and that the light-emitting device is an illuminating device (light emitting apparatus, abstract, is illuminated).

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2000-182770 to Masataka as applied to claim 5 above, and further in view of U.S. PG Publication 2004/0214041 A1 to Lu et al.

In regard to claim 6, Masataka discloses the limitations of claim 5 and that the organic EL film is a multilayered film including an electron transport layer (layer 24, figure 1A). Masataka does not disclose that the electron transport layer is made of an alkali-metal including fullerene or an organic material doped with alkali-metal including fullerene.

Lu teaches in paragraph 58 that the organic device has an electron transport layer made of lithium fluoride mixed with fullerenes.

At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Masataka and Lu before him or her, to make the electron transport layer of Masataka from an alkali-metal including fullerene or an organic material doped with alkali-metal including fullerene as taught by Lu in order to construct an electron transport layer for use in an organic luminescent device.

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Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2000-182770 to Masataka as applied to claim 2 above, and further in view of U.S. PG Publication 2002/0025419 A1 to Lee et al.

In regard to claim 11, Masataka discloses the limitations of claim 2 but does not disclose that the light emitting region is made of a red, green, and blue light-emitting region.

Lee discloses a white light emitting organic EL device and teaches in paragraph 4 that a white organic LED can have multiple emission layers, such as red, green, and blue emission layers, replace a single emission layer.

At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Masataka and Lee before him or her, to employ red, green, and blue light-emitting regions in the Masataka's OLED as taught by Lee for the purpose of having white light emission from an organic light emitting device that can be used in full color displays or as a back light device.

#### ***Allowable Subject Matter***

Claims 7-10 and 12-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The OLED device disclose by Masataka in JP 2000-182770 is for a two electrode OLED device. The claims 7-10 and 12-22 are for a three electrode, transistor type OLED device.

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Prior art such as U.S. PG Publication 2005/0218461 A1 to another inventive entity, Kasama et al. teaches a three electrode transistor device that has a shape similar to that of Masataka but there is no prima facie case of obviousness to combine the two inventions.

U.S. Patent 6,437,422 B1 to Solomon et al. also discloses a thread like FET device but once again there is no mention of a luminescent device application and there is no prima facie case of obviousness to combine the two references.

JP 2004-258206 to Kenkichi discloses a thread like three-electrode type luminescent device but cannot be classified as prior art under 35 USC 102.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary Snyder whose telephone number is (571)270-5291. The examiner can normally be reached on Monday through Thursday, 7:30AM to 6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Toan Ton can be reached on (571)272-2303. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Karabi Guharay/  
Primary Examiner, Art Unit 2889

/Zachary Snyder/  
Examiner, Art Unit 2889